

Signed by Governor
(May 12, 1987)

H.B. 254 (Effective August 31, 1987)

H.B. 442 (Effective August 31, 1987)

H.B. 623 (Effective September 1, 1987)

H.B. 783 (Effective August 31, 1987)

H.B. 1279 (Effective September 1, 1987)

H.B. 1280 (Effective September 1, 1987)

S.B. 311 (Effective immediately)

S.B. 320 (Effective September 1, 1987)

S.B. 483 (Effective immediately)

S.C.R. 84

S.C.R. 99

S.C.R. 108

Filed with Secretary of State
(May 12, 1987)

H.J.R. 88

FIFTY-SIXTH DAY

(Wednesday, May 13, 1987)

The Senate met at 10:30 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejeda, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Truan.

A quorum was announced present.

The Reverend David Evans, Shepherd of the Hills Presbyterian Church, Austin, offered the invocation as follows:

Most merciful and gracious God, by whom these who trust in You are guided in their deliberations, grant us in times of doubt and uncertainty the grace to ask what You would have us to do. We ask Your special blessing today upon our Senators. Grant them grace to fight for what is true and right, and to be ready if need be to suffer for it. Do not let them be overcome by our fears, but give them the courage of their convictions. May Your spirit of wisdom save us all from false choices, and may we walk in Your light, seeing the straight path You have set before us. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Truan was granted leave of absence for today on account of illness on motion of Senator Brooks.

MESSAGE FROM THE HOUSE

House Chamber
May 13, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 278, Relating to the regulation of fire protection personnel.

H.B. 2123, Relating to the board of directors of the Midland County Hospital District.

H.B. 662, Relating to the requirement that contractors submit a detailed trench construction plan in contracts with the State or political subdivision of the State and that the contract contain a pay item provision for trench shoring.

H.B. 2378, Relating to the creation of the offense of interfering with the duties of public servants.

H.B. 1353, Relating to the on-site coordination of hazardous materials transportation emergencies and the reporting of releases of hazardous materials to the Texas Department of Public Safety.

H.B. 1724, Relating to the requirement that certain home-rule municipalities obtain the consent of the voters in certain subdivisions before annexing the subdivisions.

H.B. 449, Relating to the appointment, duties and compensation of a public defender for the 33rd Judicial District.

H.B. 49, Relating to the regulation of membership camping resorts; providing penalties.

H.B. 1742, Relating to the investigation of anonymous reports of child abuse.

H.B. 59, Relating to repeal of the restriction on the use of a private employment agency by a school district.

H.B. 1261, Relating to the regulation of certain personnel services; providing a civil penalty.

H.B. 1052, Relating to posting notice of the location of polling places.

H.B. 2194, Relating to the creation and operation of a park district in a county with frontage on the Guadalupe and Comal rivers and to the authority of the district to issue bonds and notes and impose taxes; providing penalties.

H.B. 1318, Relating to municipal liability for certain traffic offenses committed by municipal employees in the course and scope of their employment.

H.B. 2382, Relating to the use of funds in the State Highway Fund.

H.B. 1328, Relating to certain fees charged for water district supervision by the Texas Water Commission.

The House has concurred in Senate amendments to **H.B. 1909** by a record vote of 140 ayes, 1 noes, 1 present-not voting.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 148**. House conferees: R. Lewis, Chairman; H. Cuellar, Perry, Stiles and Williamson.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Blake submitted the following report for the Committee on Administration:

H.C.R. 102

H.C.R. 167

Senator Brooks submitted the following report for the Committee on Health and Human Services:

H.B. 97

H.B. 746

Senator Parmer, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

H.B. 876

Senator Brooks submitted the following report for the Committee on Health and Human Services:

C.S.H.B. 344

C.S.H.B. 768

Senator Parmer, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 1439

Senator Zaffirini, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 1404

C.S.H.B. 1847

Senator Uribe, Vice-Chairman, submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 1079

Senator Parmer submitted the following report for the Committee on Intergovernmental Relations:

S.B. 1449

H.B. 457

H.B. 828

S.B. 1451

H.B. 1604

H.B. 327

S.B. 831

C.S.H.B. 907

C.S.S.B. 1320

Senator McFarland submitted the following report for the Committee on Criminal Justice:

H.B. 687
H.B. 2220 (Amended)
C.S.S.B. 1107
C.S.H.B. 1104
C.S.H.B. 680

Senator Caperton submitted the following report for the Committee on Jurisprudence:

H.B. 113
H.B. 593
H.B. 2513
H.B. 386
H.B. 736
H.B. 924
H.B. 657
H.B. 947
H.B. 636
H.B. 360 (Amended)
H.B. 815 (Amended)
H.B. 1504 (Amended)
C.S.H.B. 161
C.S.S.B. 425
C.S.H.B. 508
C.S.S.B. 821

Senator Edwards submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and report them back to the Senate for final consideration.

To be BANKING COMMISSIONER OF TEXAS: Kenneth W. Littlefield, Travis County. (Appointed by the State Finance Commission)

To be a Member of the TEXAS AIR CONTROL BOARD: Dick Whittington, Caldwell County.

To be a Member of the BATTLESHIP TEXAS ADVISORY BOARD: Robert D. Miller, Harris County.

To be a Member of the TEXAS COMMISSION FOR THE DEAF: Ms. Melinda Fry McKee, McLennan County.

To be a Member of the FAMILY FARM AND RANCH ADVISORY COUNCIL: Chris Allen Moser, Bowie County.

To be a Member of the TEXAS BOARD OF HEALTH: Larry D. Krupala, De Witt County.

To be a Member of the TEXAS HOSPITAL EQUIPMENT FINANCING COUNCIL: Ms. Nancy June Huggins, Dallas County.

To be a Member of the BOARD OF DIRECTORS, TEXAS HOUSING AGENCY: Kenneth DeJarnett, Rockwall County.

To be Members of the TEXAS OPTOMETRY BOARD: Mrs. Marilyn Kay Walls, Johnson County; Dr. Floyd L. Thornton, Wichita County.

To be a Member of the STATE PENSION REVIEW BOARD: LeRoy M. (Lee) Hinton, Harris County.

To be RED RIVER COMPACT COMMISSIONER OF TEXAS: Colonel Nathan I. Reiter, Jr., Bowie County.

To be a Member of the STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS: Ernest David Dorchester, Midland County.

To be a Member of the BOARD OF REGENTS, TEXAS SOUTHERN UNIVERSITY: Percy P. Creuzot, Harris County.

To be a Member of the BOARD OF REGENTS, TEXAS TECH UNIVERSITY: James Larkin Gulley, Jr., Smith County.

To be JUDGE, 101st JUDICIAL DISTRICT, DALLAS COUNTY: Joseph B. Morris, Dallas County.

To be BRANCH PILOT FOR PORT ARANSAS BAR, CORPUS CHRISTI BAY AND TRIBUTARIES: Captain Francis Michael Kershaw, Nueces County.

To be BRANCH PILOT FOR THE MATAGORDA SHIP CHANNEL: Captain Larry William Robinson: Calhoun County.

To be BRANCH PILOTS FOR THE SABINE BAR, PASS AND TRIBUTARIES: Captain Dennis E. Neef, Jefferson County; Captain Bobby O. Ratchiff, Jefferson County; Captain Donald L. Sinclair, Jefferson County.

To be BRANCH PILOTS FOR THE GALVESTON BAR AND HOUSTON SHIP CHANNEL: Captain Robert Leonard Glass III, Harris County; Captain John B. Niday III, Galveston County; Captain Thomas Lynn Gibson, Harris County; Captain Armando Luna, Jr., Harris County.

To be BRANCH PILOTS FOR THE PORTS OF GALVESTON COUNTY: Captain Harry L. Coker, Jr., Galveston County; Captain Charles R. Gilchrist, Galveston County; Captain William R. Kern, Galveston County; Captain Edgar L. King, Galveston County; Captain James W. Coonrod, Galveston County; Captain Russell Bryant, Sr., Galveston County; Captain George E. Pizzitola, Galveston County.

GUEST PRESENTED

Senator Barrientos was recognized and introduced the Capitol Physician for the Day, Dr. James G. Kalpaxis of Austin.

Dr. Kalpaxis was welcomed and received the appreciation of the Senate for serving today.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Edwards gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

SENATE BILLS ON FIRST READING

On motion of Senator Green and by unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1516 by Green Finance
Relating to the listing on tax rolls of certain buildings on premises of public transportation facilities.

S.B. 1517 by Caperton Intergovernmental Relations
Relating to the jurisdiction of the 361st District Court and to the supplemental compensation of the judge of that court.

S.B. 1518 by Blake Natural Resources
Relating to the creation, administration, powers, duties, operations, fiscal procedures, and annexation authority of the Anderson County Underground Water Conservation District.

S.B. 1519 by Jones Finance
Relating to priority of certain state transfers and payments.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

- H.B. 349**, To Committee on Criminal Justice.
- H.B. 500**, To Committee on Health and Human Services.
- H.B. 715**, To Committee on Jurisprudence.
- H.B. 750**, To Committee on Jurisprudence.
- H.B. 1041**, To Committee on Education.
- H.B. 1285**, To Committee on Education.
- H.B. 1708**, To Committee on Intergovernmental Relations.
- H.B. 1848**, To Committee on State Affairs.

CO-SPONSOR OF HOUSE BILL 484

On motion of Senator Edwards and by unanimous consent, Senator Caperton will be shown as Co-sponsor of **H.B. 484**.

CO-SPONSOR OF HOUSE JOINT RESOLUTION 3

On motion of Senator Edwards and by unanimous consent, Senator Krier will be shown as Co-sponsor of **H.J.R. 3**.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
May 13, 1987

TO THE SENATE OF THE SEVENTIETH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE JUDGE OF THE 108TH JUDICIAL DISTRICT, POTTER COUNTY,
UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR
SHALL BE DULY ELECTED AND QUALIFIED:

JAIRL PARR DOWELL

P. O. Box 231

Amarillo, Texas 79182

Mr. Dowell will be replacing Judge Edward B. Nobels of Amarillo who retired.

TO BE A MEMBER OF THE STATE BOARD OF DENTAL EXAMINERS:

For a term to expire May 10, 1993:

CHARLES T. KU, D.D.S.

148 Red Oak Lane

Flower Mound, Texas 75028

Dr. Ku will be replacing Dr. Jack T. Clark of Fort Worth who is deceased.

Respectfully submitted,

/s/W. P. Clements, Jr.

William P. Clements, Jr.

Governor of Texas

HOUSE BILL 2278 REREFERRED

On motion of Senator Harris and by unanimous consent, **H.B. 2278** was withdrawn from the Committee on Economic Development and rereferred to the Committee on Jurisprudence.

SENATE RULE 103 SUSPENDED

On motion of Senator Farabee and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on State Affairs might consider **H.B. 2008** at 2:30 p.m. today.

SENATE CONCURRENT RESOLUTION 120

Senator Brooks offered the following resolution:

WHEREAS, James B. Adams has served outstandingly as Director of the Texas Department of Public Safety since January 1, 1980, further enhancing the agency's reputation as one of the nation's top law enforcement organizations; and

WHEREAS, Colonel Adams will be retiring from the D.P.S. on May 31, 1987, after more than 40 years of outstanding public service, including more than seven years as Director of the D.P.S.; and

WHEREAS, A native Texan, Colonel Adams was born in Corsicana on December 21, 1926, and educated in the public schools of Mexia, Texas; and

WHEREAS, He enlisted in the United States Army in April, 1944, received intensive training in the Japanese language and served as a Japanese interpreter overseas; and

WHEREAS, After his honorable discharge from the military in October, 1946, he entered Baylor University in Waco, earning a bachelor of arts degree followed by a bachelor of law degree in 1949; and

WHEREAS, First and foremost a devoted family man, Colonel Adams is proud of the accomplishments of his three children; and

WHEREAS, He loyally and faithfully served the citizens of Limestone County as Assistant County Attorney, and in 1950 he was elected to the Texas House of Representatives; and

WHEREAS, He conscientiously addressed the needs of his constituency in the legislature until resigning from office to accept an appointment as a Special Agent of the Federal Bureau of Investigation in July, 1951; and

WHEREAS, Colonel Adams served as a Special Agent in Seattle, Washington, and San Francisco, California; as Assistant Special Agent in Charge of the Minneapolis, Minnesota, field division and as Special Agent in Charge of the San Antonio field division; and

WHEREAS, This dedicated public official served in several supervisory positions at F.B.I. Headquarters until his promotion in January, 1974, to Assistant Director in charge of the Office of Planning and Evaluation; and

WHEREAS, Six months after his promotion, he was named Assistant Director-Deputy Associate Director and was in charge of all F.B.I. investigative operations; and

WHEREAS, In April, 1978, Colonel Adams was designated Associate Director of the F.B.I., its second highest ranking official; and

WHEREAS, He held that position until May, 1979, when he retired from the F.B.I. and accepted an appointment from Governor William P. Clements as Executive Director of the Criminal Justice Division of the Governor's Office and he continued in that role until taking the directorship of the D.P.S.; and

WHEREAS, Colonel Adams was instrumental in bringing about numerous beneficial changes for the D.P.S. and Texas in general, including tougher driving while intoxicated laws, wiretap authority for the D.P.S., safety belt legislation, and numerous other measures; and

WHEREAS, Under Colonel Adams's leadership, an increased emphasis on traffic safety enforcement has led to a substantial decrease in Texas traffic deaths; and

WHEREAS, An increased emphasis on narcotics trafficking interdiction and white collar crime during Colonel Adams's tenure with the D.P.S. has had a significant positive impact in Texas; and

WHEREAS, His superb efforts to maintain professional law enforcement in Texas and the nation during his long years of public service reflect the highest credit on him, the D.P.S., and the State of Texas; and

WHEREAS, Colonel Adams, upon announcing his retirement, expressed his sentiment that there were still too many quail unshot and golf games unplayed; now, therefore, be it

RESOLVED, That the 70th Legislature of the State of Texas hereby offer condolences to the persons who repair golf courses and to the many quail calling Texas home; and, be it further

RESOLVED, That the Texas Legislature hereby commend Colonel Adams on the occasion of his retirement from the D.P.S. and extend to him and his family the best wishes of the Legislature for a long and happy, well-deserved retirement; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Colonel Adams as a token of high esteem from the Texas Legislature.

The resolution was read.

On motion of Senator Glasgow and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted viva voce vote.

GUEST PRESENTED

The President introduced his guest, Dr. William R. Graham, Science Advisor to President Reagan and Director of the Office of Science and Technology Policy.

Dr. Graham, a native of San Antonio, addressed the Senate, expressing his appreciation for the caliber of technology found in Austin's research personnel with whom he works.

SENATE BILL 884 ON THIRD READING

Senator Edwards moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

S.B. 884, Relating to furnishing a voter with a written communication for use at the polling place.

The motion prevailed by the following vote: Yeas 22, Nays 5.

Yeas: Armbrister, Barrientos, Brooks, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Johnson, Jones, Leedom, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejeda, Uribe, Whitmire, Zaffirini.

Nays: Blake, Brown, Henderson, Krier, McFarland.

Absent: Anderson, Lyon, Washington.

Absent-excused: Truan.

The bill was read third time and was finally passed viva voce vote.

RECORD OF VOTE

Senator McFarland asked to be recorded as voting "Nay" on the final passage of the bill.

MESSAGE FROM THE HOUSE

House Chamber
May 13, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 440, Relating to illegally or fraudulently obtained driver's licenses or certificates issued by the Department of Public Safety; providing criminal penalties. (Amended)

S.B. 879, Relating to group insurance definitions.

S.B. 953, Relating to certain communications of members and employees of the public utility commission.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 1413 ON SECOND READING

On motion of Senator Tejeda and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1413, Relating to the financing of improvements to certain county roads in Bexar County.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1413 ON THIRD READING

Senator Tejeda moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1413** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Anderson, Lyon, Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0. (Same as previous roll call)

SENATE BILL 670 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 670, Relating to the creation and operation of the Texas Water Resources Management Oversight Committee.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 670 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 670** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Anderson, Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

SENATE BILL 671 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 671, Relating to policies and audits of certain water districts and authorities.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 671 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 671** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Anderson, Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

SENATE BILL 672 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 672, Relating to the continuing supervision of certain water districts and authorities by the Texas Water Commission.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 672 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 672 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Anderson, Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

SENATE BILL 673 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 673, Relating to adoption of certain rules by the Texas Water Commission.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 673 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 673 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Anderson, Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 601
ON SECOND READING**

Senator Santiesteban asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 601, Relating to the minimum wage.

There was objection.

Senator Santiesteban then moved to suspend the regular order of business and take up C.S.S.B. 601 for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Krier, Lyon, McFarland, Parker, Parmer, Santiesteban, Sarpalius, Tejeda, Uribe, Whitmire, Zaffirini.

Nays: Anderson, Jones, Leedom, Montford, Sims.

Absent: Washington.

Absent-excused: Truan.

The bill was read second time.

Senator Santiesteban offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 601 as follows:

On page 2, lines 49 through 50, add after the word agriculture “who are not enrolled in a vocational agricultural training program;” and strike out “(who are paid on a piece rate basis;).”

On page 3, add subsection (13) to read as follows:

(13) any student less than 18 years of age regularly enrolled in a high school or vocational training program employed by an agricultural employer who employs no more than three students.

The amendment was read and was adopted viva voce vote.

Senator Santiesteban offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 601 as follows:

On page 2, add subsection (1) to read as follows:

(1) “Range production of livestock” (includes) means employment in any livestock operation, regardless of size or type of location, where the uncultivated land produces forage or feedstuffs either revegetated naturally or artificially and shall be considered to include the breeding, feeding, watering, or artificially and shall be considered to include the breeding, feeding, watering, containing, maintaining, and caring for livestock, and all other activities (necessary or useful) incidental to the raising of livestock, provided that “range production of livestock” does not include production of livestock in feed lots.

On Page 5, add a new Section 7 to read as follows:

SECTION 7. Section 8, Texas Minimum Wage Act of 1970 (Article 5159d, Vernon’s Texas Civil Statutes) is amended to read as follows:

Sec. 8. AGRICULTURAL EXEMPTION. The provisions of Sections 5, 6 and 7 shall not apply to any agricultural employer (who during any calendar quarter during the preceding calendar year did not use more than 300 man days of agricultural labor, nor to any agricultural employer) with respect to employees principally engaged in the range production of livestock and in activities (in support thereof.) incidental thereto.

and renumber all subsequent sections thereafter.

On page 7, strike SECTION 12.

The amendment was read and was adopted viva voce vote.

Senator Santiesteban offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 601 as follows:

On page 6, line 2, after the word “employee” strike out the word “who” and add the words “because that employee:”

The amendment was read and was adopted viva voce vote.

Senator Santiesteban offered the following amendment to the bill:

Floor Amendment No. 4

Amend C.S.S.B. 601 as follows:

On Page 7, by creating a new Section 13 to read as follows:

SECTION 13. Texas Minimum Wage Act of 1970 (Article 5159d, Vernon's Texas Civil Statutes) is amended by adding the following:

Sec. 13. LEGISLATIVE INTERPRETATION: It is the intent of the legislature that in construing provisions of this Act which are the same or similar to provisions in the Fair Labor Standards Act of 1938, as amended, that the courts to the extent possible will be guided by the Fair Labor Standards Act and the interpretations given by the federal courts thereto.

and renumbering all subsequent sections thereafter.

The amendment was read and was adopted viva voce vote.

Senator Santiesteban offered the following amendment to the bill:

Floor Amendment No. 5

Amend C.S.S.B. 601 on page 3, line 62, by inserting the following after the period:

The issuance of a certificate by the Texas Employment Commission under this subsection and reimbursement for the administrative expenses incurred by that commission in providing the certificate are subject to the terms of an interagency agreement entered between the Texas Department of Labor and Standards and the Texas Employment Commission.

The amendment was read and was adopted viva voce vote.

Senator Leedom offered the following amendment to the bill:

Floor Amendment No. 6

Amend C.S.S.B. 601 in SECTION 4 by striking Subsection (a) in its entirety and inserting in lieu thereof the following:

(a) Except as provided in Section [Sections] 6 [and 7] of this Act, Every employer shall pay to each of his employees [(+)] not less than \$3.35 [\$1.25] an hour [on and after February 1, 1970, and (2) not less than \$1.40 an hour on and after February 1, 1971].

The amendment was read.

Senator Santiesteban moved to table Floor Amendment No. 6.

The motion was lost by the following vote: Yeas 14, Nays 16.

Yeas: Armbrister, Barrientos, Brooks, Caperton, Green, Johnson, Parker, Parmer, Santiesteban, Tejeda, Uribe, Washington, Whitmire, Zaffirini.

Nays: Anderson, Blake, Brown, Edwards, Farabee, Glasgow, Harris, Henderson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Sarpalius, Sims.

Absent-excused: Truan.

Question recurring on the adoption of Floor Amendment No. 6, the amendment was adopted viva voce vote.

RECORD OF VOTE

Senator Barrientos asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Santiesteban and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 601
ON THIRD READING**

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 601 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Tejada, Uribe, Whitmire, Zaffirini.

Nays: Jones, Sims, Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTE

Senator Sims asked to be recorded as voting "Nay" on the final passage of the bill.

MESSAGE FROM THE HOUSE

House Chamber
May 13, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 23, Requesting the governor to take certain action in the event of a natural or man-made disaster affecting large numbers of livestock. (Amended)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILL 852 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 852, Relating to the quarantine and testing of animals.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 852 ON THIRD READING

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 852 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

HOUSE BILL 9 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 9, Relating to the length of oil well servicing units operated on public roads.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 9 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 9 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 994
ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 994, Relating to teacher education.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Amend C.S.S.B. 994, SECTION 1, Subsection (b), to read as follows:

(b) After September 1, 1991, no more than 18 semester credit hours of education courses at the baccalaureate level may be required for the granting of a teaching certificate by the State Board of Education. Included in the hours needed for certification, the State Board of Education shall provide for a minimum number of semester credit hours for student teaching. The board may allow by rule additional credit hours for certification in Bilingual Education, English as a Second Language, Early Childhood Education, or Special Education.

GREEN
PARKER

The amendment was read and was adopted viva voce vote.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 994
ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 994 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1281
ON SECOND READING**

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1281, Relating to the regulation of home health agencies.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1281
ON THIRD READING**

Senator Whitmire moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1281 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 841
ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 841, Relating to the jurisdiction of the supreme court in certain civil cases.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 841
ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 841 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

**COMMITTEE SUBSTITUTE SENATE BILL 1300
ON SECOND READING**

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1300, Relating to the rights of crime victims, the use of the victim impact statement, and reports concerning victim impact statements.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1300
ON THIRD READING**

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1300** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

SENATE BILL 1318 ON SECOND READING

On motion of Senator Parmer and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1318, Relating to the Good Faith Donor Act.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1318 ON THIRD READING

Senator Parmer moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1318** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

**MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 1284
ON SECOND READING**

Senator Farabee moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1284, Relating to reviews of the planning and construction of nuclear generating plants by the Public Utility Commission of Texas.

The motion was lost by the following vote: Yeas 10, Nays 20.

Yeas: Blake, Brooks, Caperton, Edwards, Farabee, Harris, Henderson, Johnson, McFarland, Sarpalius.

Nays: Anderson, Armbrister, Barrientos, Brown, Glasgow, Green, Jones, Krier, Leedom, Lyon, Montford, Parker, Parmer, Santiesteban, Sims, Tejada, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Truan.

SENATE BILL 886 ON SECOND READING

On motion of Senator Krier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 886, Relating to temporary court orders relating to residence of a spouse, to the duration of protective orders, and to attorney's fees in family violence cases.

The bill was read second time.

Senator Krier offered the following committee amendment to the bill:

Amend **S.B. 886** as follows:

On page 4, strike lines 15-16 and substitute:

(4) the residence is:

(A) jointly owned or leased by the applicant requesting the exclusion order and the person to be excluded;

(B) owned or leased by the applicant requesting the exclusion order;
or

(C) owned or leased by the person to be excluded but only if that person has an obligation to support the applicant requesting the exclusion order or a child of the applicant; and

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Krier and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 886 ON THIRD READING

Senator Krier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 886** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 21
ON SECOND READING**

On motion of Senator Sarpalius and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 21, Relating to homestead property eligible for property tax exemption.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 21
ON THIRD READING**

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 21** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

**COMMITTEE SUBSTITUTE SENATE BILL 447
ON SECOND READING**

Senator Harris asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 447, Relating to the regulation of persons who practice public accountancy; providing civil penalties; making an appropriation.

There was objection.

Senator Harris then moved to suspend the regular order of business and take up **C.S.S.B. 447** for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 447**, page 1, line 24, by inserting a "." (period) after the word "penalties", and striking the words "making an appropriation."

The amendment was read and was adopted viva voce vote.

Senator Uribe offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 447 by:

striking Section 25, on page 14, lines 18 through 48, of the bill and renumbering the following sections accordingly.

The amendment was read and was adopted viva voce vote.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 447
ON THIRD READING**

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 447 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

SENATE RULE 103 SUSPENDED

On motion of Senator Santiesteban and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Natural Resources might consider the following bills at 2:00 p.m. today:

S.B. 1518

S.B. 1505

S.B. 1506

S.B. 1507

SENATE BILL 1433 REREFERRED

On motion of Senator Brooks and by unanimous consent, S.B. 1433 was withdrawn from the Committee on Economic Development and rereferred to the Committee on Health and Human Services.

**NOTICE OF SESSION TO HOLD
LOCAL AND UNCONTESTED BILLS CALENDAR**

Senator Blake announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills Calendar would be held at 8:30 a.m. on Thursday, May 14, 1987, and that all bills and resolutions would be considered on second and/or third reading in the order in which they are listed.

MOTION TO RECESS AND ADJOURN

On motion of Senator Brooks and by unanimous consent, the Senate agreed to take recess until 8:30 a.m. tomorrow. The Senate further agreed to adjourn at the conclusion of tomorrow's Local Calendar Session until 10:30 a.m. tomorrow.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 527 - By Zaffirini: Extending appreciation to the Friends and Volunteers of Laredo State Center.

S.R. 528 - By Glasgow: Commending Judge Raleigh Brown.

S.R. 529 - By Glasgow: Commending Pete and Elizabeth Gunn and Miller-Gunn, Inc., Hamilton, Texas.

S.R. 530 - By Glasgow: Extending congratulations to the Mighty Eagle Band, Crowley High School.

S.R. 531 - By Glasgow: Commending Bill Switzer.

S.R. 532 - By Glasgow: Commending Officer Phyliss Pierce of Crowley, Texas.

S.R. 533 - By Barrientos: Extending welcome to Margie and Severn "Sam" Towe of Paullina, Iowa.

S.R. 534 - By Barrientos: Extending congratulations to John Hrnair.

RECESS

On motion of Senator Brooks, the Senate at 12:25 p.m. took recess until 8:30 a.m. tomorrow.

FIFTY-SIXTH DAY

(Continued)

(Thursday, May 14, 1987)

AFTER RECESS

The Senate met at 8:30 a.m. was called to order by Senator Blake.

MESSAGE FROM THE HOUSE

House Chamber
May 14, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 1675, Relating to the circumstances under which a home-rule municipality may hold a nonbinding referendum.

H.B. 2504, Relating to the number and terms of commissioners of the Brownsville Navigation District.

H.B. 1679, Relating to certain attorneys appearing before certain judges and justices.

H.B. 1785, Relating to the establishment of a uniform statewide accounting system for all agencies of State government, including institutions of higher education.

H.B. 1849, Relating to the amount and terms of, and fees payable in connection with, student loans from the Texas Opportunity Plan Fund.